

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Objection

The Office Action indicates that the title is not descriptive. In response, the title has been amended to read -- IMAGING APPARATUS HAVING A DETECTOR FOR DETECTING SPATIAL FREQUENCY CHARACTERISTICS, CONTROL METHOD, AND A COMPUTER PROGRAM PRODUCT HAVING COMPUTER PROGRAM CODE THEREFOR --.

Applicant respectfully requests that this objection to the title be withdrawn.

Status of the Claims

Claims 24-34 are pending in this application, of which claims 24, 30 and 31 are independent. All of the pending claims stand rejected. By this amendment, claims 25, 27-29 and 32-34 are canceled without prejudice or disclaimer. Claims 24, 26, 30 and 31 are amended. Claims 35 and 36 are added. No new matter has been introduced by this amendment.

Rejection under 35 U.S.C. §103

Claims 24-27, 30 and 31 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,108,036 to Harada et al. ("Harada") in view of U.S. Patent No. 4,845,553 to Konomura et al. ("Konomura"). Claim 28 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Harada in view of Konomura, and further in view of U.S. Patent No. 6,266,086 to Okada et al. ("Okada"). Claims 29 and 32-34 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Harada in view of Konomura, and further in view of Okada, and further in view of U.S. Patent No. 5,249,053 to Jain ("Jain").

Independent claims 24, 30 and 31 have been amended for further clarification. In particular, amended claim 24 recites, *inter alia*, "a detector, arranged to detect spatial frequency characteristics of a plurality of color components of the image obtained by the imaging unit; and a shift unit, arranged to shift the plurality of images obtained by the imaging unit with respect to each other, wherein said shift unit changes a shift amount in correspondence with a result of comparison between the spatial frequency characteristics of the plurality of color components of the image detected by said detector." Support for the amendment may be found, for example, at page 55, line 20 through page 57, line 12 of the specification as originally filed. Other independent claims 30 and 31 have been amended in a similar manner to claim 24 as discussed herein.

With the features of the invention such as with the shift unit, it is possible to select a shift amount of the image suitable for an object by detecting a color component suitable for the object to be given a priority over other color components by, e.g., comparing the spatial frequency characteristics of the color components of the image.

Harada discloses an imaging apparatus which has the output mode for a motion image and the output mode for a still image. Harada's imaging apparatus appears to generate a single image from a plurality of images obtained by shifting image formation positions on the imaging devices in the still image sensing mode. Konomura discloses an image data compressing device which generates a compressed image by, e.g., conducting sampling at sampling intervals which are different for each of the plurality of color signals. Okada discloses an imaging apparatus which controls the shift amount of an image shifting mechanism in consideration of the moving amount of the imaging apparatus, and obtains a plurality of images. Jain discloses a digital

camera which calculates a compression ratio of image data in accordance with the remaining memory storage capacity.

However, none of the cited references shows or suggests the present invention as discussed above, e.g., a configuration which compares spatial frequency characteristics of a plurality of color components of an image obtained by the imaging unit. Moreover, there is simply nothing in the cited references that shows or suggests a configuration that changes the shift amounts of the plurality of images to be used for generating a single image based on the comparison result as required by the present invention as featured in claims 24, 30 and 31 as amended.

Accordingly, each of claims 24, 30 and 31 as amended is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Harada, Konomura, Okada and Jain), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 24, 30 and 31 under 35 U.S.C. §103(a) is respectfully requested.

Double Patenting

Claims 24-34 have been rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,650,361.

As discussed above, amended claims require, among others, that (1) the detector detects spatial frequency characteristics of a plurality of color components of the image, and (2) the shift unit changes the shift amount in correspondence with a result of comparison between the spatial frequency characteristics of the plurality of color components detected by said detector.

As Applicant understands it, these features of amended claims 24, 30 and 31 are patentably distinct over claims 1-11 of the '361 patent.

Reconsideration and withdrawal of the rejections of claims 24, 30 and 31 over double patenting is respectfully requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Also, Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

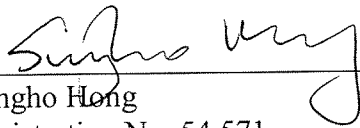
AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4495US1). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 3, 2008

By: 
Sungho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 (Telephone)
(212) 415-8701 (Facsimile)

AUTHORIZATION

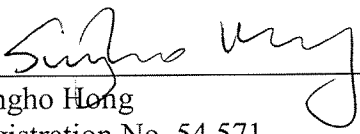
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MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 (Telephone)
(212) 415-8701 (Facsimile)